

IN RE: PETITIONS FOR SPECIAL  
EXCEPTION AND ZONING VARIANCE  
W/S East Drive, 109.48'N  
Stevens Road  
(5306 East Drive)  
13th Election District  
1st Councilmanic District  
Mildred Ihrie  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE #89-13-XA

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioner herein requests a Special Exception to approve a video and arcade center in a B.L. zone and a variance from Section 409.2 to permit "zero" parking spaces in lieu of the required five spaces.

The Petitioner, through the Lessees, James C. Boyd and William P. Ihrie II, was represented by, S. Eric DiNenna, Esquire. There were no Protestants.

The testimony and evidence presented at the hearing indicated that the subject property is improved with a commercial building of much age, having been built prior to 1955 and that no parking is available to the property for any use. The Petitioner, through the Lessees, James C. Boyd and William P. Ihrie II, wish to establish an arcade center on the first floor of the structure that necessitates this Special Exception.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed

use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the Baltimore County Zoning Regulations (B.C.Z.R.).

With reference to the variance request, the Petitioners proved a practical hardship and a reasonable difficulty upon the property owner as well as the user in the operation of an arcade center with the required five parking spaces, necessitating a variance from the parking requirements. As indicated above, the building in which this arcade is to be located, was built many years ago and prior to any enactment of parking requirements for uses in Baltimore County. There is no space available on this property to provide parking.

Pursuant to the advertisement, posting of the property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception and variance should be granted.

THEREFORE, IT IS ORDERED, this 18 day of July, 1988, by the Zoning Commissioner of Baltimore County to approve a video and arcade center in a B.L. zone and a variance from Section 409.2 to permit "zero" parking spaces in lieu of the required five spaces, as

more particularly described in Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. That the video arcade shall be limited hours of operation of 9:00 A.M. thru 11:00 P.M., Monday thru Saturday and 9:00 A.M. thru 9:00 P.M. on Sunday.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY

JRH:mm  
cc: Peoples Counsel

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

July 18, 1988



Dennis F. Rasmussen  
County Executive

S. Eric DiNenna, Esquire  
Suite 600  
409 Washington Avenue  
Towson, Maryland 21204

RE: Petition for Special Exception and Zoning Variance  
Case No. 89-13XA

Dear Eric:

Pursuant to the recent hearing held on the above captioned case, please be advised that your Petition for Special Exception and Variance have been GRANTED, copy of which is attached hereto.

Very truly yours,

*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:mm  
att.  
cc: Peoples Counsel

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-13-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for video and arcade center.

MAP SW SD  
2A  
E.D. 13th  
DATE 12-1-87  
200 8F  
1000 8F

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract #4048444 LESSOR:  
James C. Boyd  
William P. Ihrie, II  
(Type or Print Name)  
*James C. Boyd*  
*William P. Ihrie, II*  
Signature

Legal Owner(s):  
Mildred Ihrie  
(Type or Print Name)  
*Mildred Ihrie*  
Signature

5824 Heron Drive  
Address  
Baltimore, Maryland 21227  
City and State

(Type or Print Name)  
Signature

Attorney for Petitioner:  
S. Eric DiNenna, Esquire  
(Type or Print Name)  
*S. Eric DiNenna*  
Signature

Address  
City and State

409 Washington Avenue, Suite 600  
Address  
Towson, Maryland 21204  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
S. Eric DiNenna, Esquire  
409 Washington Ave., Ste. 600  
Towson, MD 21204 296-6820  
Phone No.

Attorney's Telephone No. 296-6820  
No. 50475

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE 4/26/88 ACCOUNT 01-615  
AMOUNT \$ 200.00

RECEIVED FROM S. Eric DiNenna, Esq.  
FOR FILING FOR SPECIAL EXCEPTION AND VARIANCE

B 8135\*\*\*\*\*200001a 2272F  
VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-13-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2 to permit "0" parking spaces in lieu of the required five spaces, and Section 232 A.4 to permit an amenity open space of zero square feet in lieu of the required 374 square feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Previously build building prior to 1955
2. No parking spaces can be physically provided
3. For other reasons to be presented at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract #4048444 LESSOR:  
JAMES C. BOYD  
WILLIAM P. IHRIE, II  
(Type or Print Name)  
*James C. Boyd*  
*William P. Ihrie, II*  
Signature

Legal Owner(s):  
MILDRED IHRIE  
(Type or Print Name)  
*Mildred Ihrie*  
Signature

5824 Heron Drive  
Address  
Baltimore, MD 21227  
City and State

(Type or Print Name)  
Signature

Attorney for Petitioner:  
S. Eric DiNenna  
(Type or Print Name)  
*S. Eric DiNenna*  
Signature

Address  
City and State

409 Washington Ave., Ste. 600  
Address  
Towson, MD 21204  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
S. Eric DiNenna, Esquire  
409 Washington Ave., Ste. 600  
Towson, MD 21204  
Phone No.

Attorney's Telephone No.: 296-6820

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of July, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through out Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of July, 1988, at 2 o'clock P.M.

*J. Robert Haines*  
Zoning Commissioner of Baltimore County.

Maryland Reg. #10710  
Delaware Reg. #496

SEVERN SURVEYS, INC.  
Land Development, Land Planning  
Land Surveying  
CHART TOWNE EXECUTIVE OFFICES  
475 JUMPERS HOLE ROAD  
SEVERN PARK, MD 21146  
301-887-0766  
301-847-5051

April 22, 1988

Deed Description

Area: 1,323 square feet of land, more or less

Beginning for the same at a point on the the west side of East Drive, said point located 109.48 feet north of the north side of Stevens Avenue, thence, leaving the west side of East Drive and running, 1) North 44 degrees 24 minutes 00 seconds West 43.48 feet, 2) North 46 degrees 03 minutes 00 seconds East 43.38 feet, 3) South 44 degrees 45 minutes 00 seconds East on the 17.42 feet to a point on the west side of East Drive, thence binding on the west side of East Drive 4) South 15 degrees 00 minutes 00 seconds West 50.52 feet to the point of beginning.  
Containing 1,323 square feet of land, more or less.



CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 13th Date of Posting June 16-88

Posted for: Special Exception and Variance

Petitioner: Mildred Ihrie (IHRIE)

Location of property: W/S of East Drive, 109.48' N of Stevens Ave. (5306 East Drive)

Location of Sign: On front window of 5306 East Drive

Remarks: S. Eric DiNenna Date of return: June 17-88

Posted by: S. Eric DiNenna Signature Number of Signs: 2

NOTICE OF HEARING  
The Zoning Commission of Baltimore County will hold a public hearing on the proposed Special Exception and Variance from the Zoning Regulations of Baltimore County, Case No. 89-13-XA, on the 17th day of July, 1988, at 2:00 p.m. in Room 106, County Office Building, 106 North Howard Street, Towson, Maryland 21204.  
Persons desiring to be heard should appear at the hearing on the date and at the time specified above. The Zoning Commission will accept written testimony in lieu of oral testimony at the hearing. The Zoning Commission will accept written testimony in lieu of oral testimony at the hearing. The Zoning Commission will accept written testimony in lieu of oral testimony at the hearing.

Office of  
PATUXENT  
Publishing Company

10750 Little Patuxent Pkwy.  
Columbia, MD 21044

June 29, 88

THIS IS TO CERTIFY, that the annexed advertisement of

Notice of Hearing

was inserted in the following:  
☒ Catonsville Times ☐ Booster Weekly  
☐ Arbutus Times ☐ Owings Mills Flier  
☐ Reporter Weekly ☐ Towson Flier

weekly newspapers published in Baltimore County, Maryland once a week for 2 successive weeks before the 18th day of June, 1988, that is to say, the same was inserted in the issues of

June 16, 1988

PATUXENT PUBLISHING COMPANY

By

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY IN EQUITY

Plaintiff

Defendant

CERTIFICATE OF PUBLICATION OF

RECEIVED  
JUL 1 1988  
ZONING OFFICE



**"DUPLICATE"  
CERTIFICATE OF PUBLICATION**

TOWSON, MD., June 16, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 16, 1988

THE JEFFERSONIAN,

*S. Zafe Orlov*  
Publisher

37.50

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
PETITION FOR VARIANCE  
W/S East Dr., 109.48' N.  
Stevens Rd. (5306 East Dr.) : OF BALTIMORE COUNTY  
13th District :  
MILDRED THRIE, Petitioner : Case No. 89-13-XA

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 13th day of June, 1988, a copy of the foregoing Entry of Appearance was mailed to S. Eric DiNenna, Esquire, 409 Washington Ave., Suite 600, Towson, MD 21204, Attorney for Petitioner.

*Peter Max Zimmerman*  
Peter Max Zimmerman

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

Date: July 1, 1988

Mr. James C. Boyd  
Mr. William P. Dris, II  
5024 Neuen Drive  
Baltimore, Maryland 21227

Re: Petition for Special Exception and Zoning Variance  
CASE NUMBER: 89-13-XA  
W/S East Drive, 109.48' N Stevens Road  
(5306 East Drive)  
13th Election District - 1st Councilmanic  
Petitioner(s): Mildred Thrie  
HEARING SCHEDULED: THURSDAY, JULY 7, 1988 at 2:00 p.m.

Dear Sirs:

Please be advised that \$28.60 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT		No. 52703	AND POST(S) RETURNED IF NOT BE ISSUED.
DATE <u>7/7/88</u>	ACCOUNT <u>P.O. # 155-000</u>	Maryland and bring Office, County Office (15) minutes before	
AMOUNT \$ <u>28.60</u>	and post set(s), there for each set not		
RECEIVED BY <u>M. J. DiNenna</u>	MRS.		
FOR <u>Baltimore 7/7/88</u>	B 118*****7850:0 107489-13-XA		
VALIDATION OR SIGNATURE OF CASHIER		NES Zoning Commissioner of Baltimore County	

JRH:gs  
cc: S. Eric DiNenna, Esq.  
File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

July 27, 1988

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception and Zoning Variance  
CASE NUMBER: 89-13-XA  
W/S East Drive, 109.48' N Stevens Road  
(5306 East Drive)  
13th Election District - 1st Councilmanic  
Petitioner(s): Mildred Thrie  
HEARING SCHEDULED: THURSDAY, JULY 7, 1988 at 2:00 p.m.

Special Exceptions Video and arcade center.  
Variance to permit zero parking spaces in lieu of the required five spaces and to permit an unentry open space of zero square feet in lieu of the required 374 square feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: S. Eric DiNenna, Esq.  
James C. Boyd/William P. Dris, II  
File

**89-13-XA  
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
11th day of May, 1988.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner Mildred Thrie Received by: James E. Dyer  
Petitioner's Attorney S. Eric DiNenna Chairman, Zoning Plans  
Advisory Committee

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

June 21, 1988

JUNY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

S. Eric DiNenna, Esquire  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204

Re: Item No. 392 - Case No. 89-13-XA  
Petitioner: Mildred Thrie  
Petition for Special Exception  
and Zoning Variance

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: Severn Surveys, Inc.  
479 Jumpers Hole Road  
Severna Park, Maryland 21146

Baltimore County  
Fire Department  
Towson, Maryland 21204-2286  
494-4500

Paul H. Reincke  
Chief

May 17, 1988

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Re: Property Owner: Mildred Thrie/Lessor: James C. Boyd &  
William P. Thrie, II  
Location: W/S East Drive, 109.48' N. Stevens Road

Item No.: 392 Zoning Agenda: Meeting of 5/10/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER John F. O'Neill Noted and  
Approved: John F. O'Neill  
Planning/Group  
Special Inspection Division

/s/

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

TO: J. Robert Haines, Zoning Commissioner Date: June 7, 1988  
FROM: P. David Fields, Director, Office of Planning and Zoning  
SUBJECT: Zoning Petition #89-1-A, 89-13-XA

There are no comprehensive planning factors requiring comments on this petition.

*P. David Fields*  
P. David Fields, Director  
Office of Planning and Zoning

PDF/jat  
cc: Shirley Hess, People's Counsel  
J. Hoswell  
Zoning Office

cc: S. Eric DiNenna, Esquire

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3554

June 2, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 390, 392, 394, 395, 396, 397 and 401.

Very truly yours,

*Stephen E. Weber*  
Stephen E. Weber, P.E.  
Assistant Traffic Engineer

SEW/RF/pml-b

RECEIVED  
JUN 15 1988  
ZONING OFFICE



